

HAZARDOUS MATERIALS BUSINESS PLAN

I. INVENTORY (continued)

Tier II Reporting (EPCRA)

The Emergency Planning Community Right to Know Act (EPCRA) requires industry to disclose chemical storage and use including chemical releases. Local government must develop emergency response plans incorporating information provided by industry. For more information about EPCRA see <http://www.access.gpo.gov/uscode/title42/chapter116.html> (subchapter III, Section 11023).

EPCRA has two requirements which affect businesses:

- I. Businesses must notify releases of chemicals into the environment; the notification for certain chemicals is then published in the Toxic Release Inventory, and
- II. Businesses must notify state and local agencies of the quantities and type of toxic chemicals stored.

Businesses that do not comply with EPCRA may be subject to civil penalties and be required to cover costs of litigation and/or environmental remediation actions. EPCRA has four provisions important to businesses:

1. Hazardous Chemical Storage Reporting Requirements (EPCRA):

EPCRA facilities must annually submit emergency contacts and hazardous chemical inventory. This information includes the following:

1. Hazardous chemicals at or above 10,000 pounds,
2. Extremely hazardous substances above 500 pounds or above a defined Threshold Planning Quantity (TPQ) (whichever is less),
3. Chemicals at or above TPQs handled during the last calendar year.

2. Emergency Planning (EPCRA):

The emergency planning section of the law is designed to help communities prepare and respond to emergencies involving hazardous substances. Every community in the United States must be part of a comprehensive plan. Plans are based on information provided in reports from EPCRA facilities. In San Diego County, the Hazardous Incident Response Team (HIRT) is an integral part of emergency planning. The team consists of members from the County of San Diego, Department of Environmental Health and City of San Diego, Fire and Rescue Department. The information provided by businesses allows HIRT to respond efficiently to chemical emergencies and protect human health and the environment.

3. Emergency Release Notification (EPCRA):

Facilities must immediately notify the Local Emergency Planning Committee (LEPC) and the State Emergency Response Commission (SERC) if there is a release into the environment of a hazardous substance that is equal to or exceeds the minimum reportable quantity set in the regulations. This requirement covers the 356 extremely hazardous substances. It also covers the more than 700 hazardous substances subject to the emergency notification requirements under CERCLA Section 103(a) (40 CFR 302.4). Some chemicals are common to both lists. Initial notification can be made by telephone, radio, or in person. Emergency notification requirements involving transportation incidents can be met by dialing 911, or in the absence of a 911 emergency number, by calling the operator. In California, any release or threatened release requires reporting. For more information on spill reporting visit the California Office of Emergency Services (OES) Web Site at <http://www.oes.ca.gov> and see section II of this package.

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4. Toxic Release Inventory Reporting (EPCRA):

Toxic Release Inventory Report must be submitted to the Federal Environmental Protection Agency by July 1 each year. This requirement applies to facilities that manufacture, process, or otherwise use a listed toxic chemical above the TPQ, and have 10 or more employees. More information on EPCRA can be found at: <http://www.epa.gov/oem/content/lawsregs/epcraover.htm>

How to comply with EPCRA Tier II and Hazardous Materials Business Plan reporting:

The California Health and Safety Code, in order to avoid multiple reports to the SERC, LEPC, Fire Departments and the Administering Agency, requires businesses to provide to the Administering Agency an inventory of their chemicals as part of the Hazardous Materials Business Plan (HMBP). The Administering Agency in San Diego County is the Hazardous Materials Division (HMD) of the Department of Environmental Health. The business must provide inventory information if it uses, handles or stores hazardous materials or wastes in quantities equal to or greater than:

- 55 gallons of a liquid
- 500 pounds of a solid substance
- 200 cubic feet of a compressed gas
- A toxic compressed gas in any amount if the Threshold Limit Value is less than 10 parts per million
- Extremely hazardous substances in quantities equal to or greater than the Threshold Planning Quantities

The Health and Safety Code (HSC) also requires that businesses report inventory to the Administering agency on the Unified Program Consolidated forms or equivalent forms from the local Administering Agency. The Business Owner/Operator Identification page (local form HM-9702) and the Hazardous Materials Inventory/Chemical description page (local form HM-9703). Forms must be completed and submitted initially with a complete inventory. Both forms must be submitted with updates within 30 days of changes. Updates are required for:

- Increasing the quantity of a previously disclosed material by one hundred percent or more
- Handling of any previously undisclosed hazardous material subject to the inventory requirements
- Deleting a previously disclosed material.

The business must annually certify to the HMD that the HMBP is current and maintained onsite. If no changes have occurred, the business must send an annual certification indicating that HMBP is current and complete. If there were changes in the HMBP, business must make the changes and submit them with a certification indicating that the HMBP has been reviewed.

Businesses complying with reporting requirements of the Health and Safety Code may be subject to Tier II reporting per Title 40 of the Code of Federal Regulations if the threshold amount of chemicals used reach EPCRA notification requirements. In the State of California, the business is in compliance with EPCRA Tier II reporting requirements if the business has a current permit from the Administering Agency, notifies the Department of changes in its inventory using the forms HM-9702 and HM-9703, and on annual basis certifies that its inventory is current. In San Diego County, the Administering Agency is the Department of Environmental Health-HMD. The local permit for hazardous materials is a Unified Program Facility permit. All Unified Program Consolidated forms can be found in HMD's web site at www.sdcounty.ca.gov/deh/hazmat/hmd_forms.html and hard copies can be obtained by calling the Hazardous Materials Duty Desk at 619-338-2231.